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Wall Street Journal

[West Virginia Inspectors Visited Chemical Spill Site Five Times Since 2001](#)

West Virginia Residents Complained of Strong Smell From Storage Facility

By Kris Maher and

Valerie Bauerlein

Updated Jan. 16, 2014 8:33 p.m. ET

CHARLESTON, W.Va.—Environmental inspectors visited the site of last week's chemical spill

here at least five times since 2001, but they primarily focused on air quality rather than factors that might have figured in the accident that compromised the water supply of 300,000 people, newly released records show.

The state air-regulation inspectors weren't required to look at the storage of the chemicals, West Virginia officials said, underscoring gaps in regulatory oversight of the facility. The inspections—the number of which is higher than officials initially reported—mainly were for routine reviews, but one occurred in response to complaints of a strong licorice smell, the new cache of records shows.

In 2010, inspectors traced the licorice odor to tanks storing 4-methylcyclohexane methanol, the records indicate. That is the same substance authorities said leaked from a tank on the site Jan. 9, breached a failed containment wall and entered the Elk River, blanketing the city in the distinctive smell and contaminating the water supply.

The trove of records from the state Department of Environmental Protection contradicts reports from agency authorities soon after the spill that inspectors hadn't been on the site, owned by Freedom Industries Inc., since 1991.

Tom Aluise, a department spokesman, said Thursday that the agency initially wasn't aware of the additional inspections.

Records show DEP inspectors visited the storage facility in 2002 as part of a voluntary cleanup done by the previous owner, Pennzoil-Quaker State Co., which had sold the parcel to a company connected to Freedom a year earlier. Inspectors from the agency's air-quality division also conducted routine reviews in May 2005, June 2009 and February 2012. No violations were found, according to a review of the documents by The Wall Street Journal.

The storage site falls under state and local air-quality laws that require permits for emissions that exceed certain amounts. No permits were needed because the site didn't go over those limits, the agency repeatedly found.

At the same time, a separate state groundwater protection rule says the facility must regularly self-inspect its tanks, develop a plan to protect against contamination and maintain a containment area around tanks that can hold a spill for at least 72 hours. The DEP isn't required to inspect the facility for violations of that rule because the chemical isn't classified as hazardous waste under federal law, revealing a gap in oversight.

Mr. Aluise, the DEP spokesman, said Freedom hadn't provided the state with a groundwater protection plan.

A Freedom representative declined to comment Thursday.

The April 2010 inspection lends support to reports from nearby residents who say they have smelled the chemical, at times strongly, for several years.

Jerry Burgess, 71 years old, who lives near the site and whom records show made the 2010 complaint, said he has smelled the odor periodically since. He said he never called state officials again.

"I didn't get no results then, so what's the use of calling again?" he said.

Robert Keatley, a senior engineer in the state DEP's air-quality division, went to the site in April 2010 with another inspector in response to the complaint. The odor didn't rise to the level of a violation, Mr. Keatley said in an email to the Journal.

The agency determined a few months later that the site didn't require a permit because MCHM emissions into the air were under state limits for hazardous pollutants, according to a separate document.

Timeline: West Virginia Chemical Spill

See a timeline of events surrounding the contamination of the water supply around Charleston, W.Va.

[View Graphics](#)

He added that the agency's air-quality division has inspected the site for more than 20 years, including when it was a bulk gasoline terminal under Pennzoil. He said the 2010 odor complaint was the only one the agency had received before last week.

"The odor could have come from the loading of the MCHM," Mr. Keatley said.

In a brief Jan. 10 news conference, Freedom President Gary Southern also attributed prior reports of odors from residents to normal handling of MCHM. "We load tank trucks of this material on a regular basis and occasionally we've had reports of an odor previously," he said.

The Jan. 9 spill has left many residents worried about what they say is a history of strong smells they now believe were coming from the Freedom facility.

Little is known about the health effects of the chemical, one of thousands of industrial substances used with little federal oversight. It can irritate skin, eyes and breathing tracts, according to the available data. Its long-term effects haven't been studied in humans, according to publicly available information. Water is slowly being restored to the area as the chemical dissipates.

On Jan. 10, after the spill, inspectors cited the company for two alleged air-pollution violations at the site.

Al Rock, who records show first reported the smell from the chemical leak to the state DEP on Jan. 9, said in an interview that he and his family has detected the odor on and off for about two years. Mr. Rock, who sells commercial kitchen equipment near the site, said the smell would sometimes linger in his warehouse for hours and that it was sometimes so strong it made his

brother and wife nauseated.

"We've been fighting these smells for at least two years," he said.

Workers inspect an area outside a retaining wall around storage tanks where a chemical leaked into the Elk River in Charleston, W.Va. Associated Press

Over that time, Mr. Rock said he tried to find the odor's source. He said he had the gas company come to his property to check for a gas leak and called a hotline to report a possible methamphetamine lab in the area. He also thought one of the many chemical manufacturers in the region might have been to blame for the odor.

On Jan. 9, Mr. Rock said he and his wife noticed the smell while they were still in their car driving to their business. "As soon as we hit that intersection, my wife got nauseous and her head was hurting and she said she had an oily film in the roof of her mouth," he said. "That's what motivated me to get on and call somebody."

Mr. Rock said he called the state DEP's air-quality hotline a little after 8 a.m. and relayed his complaint, and was told a staffer to handle the complaint would be in at 8:30 a.m. He called again at 8:16 a.m. but decided not to leave a message. Then at 9:30 a.m. he called 911, he said.

Patricia Schott, 61, who lives near the Freedom facility, said she has smelled the licorice odor for at least three years and wondered about the potential health impacts. The family cooked and bathed in their water on Jan. 9 during a seven-hour period after the spill was discovered but before a water ban went into effect, she said.

The next day, she said her 7-year-old granddaughter developed severe diarrhea, wheezing and welts over her body and was taken to a hospital, where she spent eight hours and was given anti-inflammatory medication.

"We're afraid of the water still," Ms. Schott said.

New York Times

Contaminated Water in West Virginia

By [THE EDITORIAL BOARD](#) JAN. 16, 2014

The chemical spill that cut off water to more than 300,000 people in West Virginia for several

days has exposed serious defects in state and federal environmental protections that allow many facilities and chemicals to escape scrutiny.

Investigators are still trying to figure out exactly how an estimated 7,500 gallons of a chemical used to clean coal called 4-methylcyclohexane methanol, or MCHM, leaked from a storage facility into the Elk River. But state and federal agencies clearly should have done more to limit the risks. For starters, the state failed to adequately inspect how the facility stored chemicals, though it did send inspectors there to check on air quality. The chemicals were kept in tanks on the riverbank, upstream from a large water-treatment plant that supplies Charleston.

The spill is the third major chemical accident in the region in five years. State lawmakers and regulators in West Virginia have a long history of coddling the coal and chemical industries, which dominate the state's economy. According to a 2009 investigation by The Times, companies that pollute state waters are rarely fined. And state officials have so far ignored a 2011 proposal from the federal Chemical Safety Board urging new rules to prevent industrial accidents and spills. That recommendation came after an explosion at a chemical plant near Charleston that killed two people in 2008.

The federal government also has a checkered record on chemical safety. The main law regulating chemicals, the Toxic Substances Control Act of 1976, has allowed tens of thousands of inadequately tested chemicals, including MCHM, to remain in use. (Experts say it's unclear how harmful MCHM is and how much exposure could lead to death or a serious illness because the company that makes it has not publicly disclosed detailed information about the chemical.) Instead of requiring manufacturers to show that their products are safe before they can be used, the law puts the burden of proof on the Environmental Protection Agency — a huge investigative and regulatory undertaking. The result is that the E.P.A. has tested just 200 of the roughly 85,000 chemicals in use today, and restricted fewer than a dozen.

What's needed is meaningful reform like the Safe Chemicals Act of 2013 introduced by Senator Frank Lautenberg, Democrat of New Jersey, and Senator Kirsten Gillibrand, the New York Democrat, that would require manufacturers to prove that chemicals are safe before they can be sold.

In recent days, concentrations of MCHM in the water system have fallen sharply and some in the Charleston area can now drink the tap water. But the passing of this crisis should not dissuade the state or the federal government from strengthening and enforcing statutes.

Charleston Gazette

Editorial: State failed to protect citizens

CHARLESTON, W.Va. -- The decrepit Freedom Industries tank farm beside Elk River hadn't

been visited by state inspectors since 1991 -- almost a quarter-century ago -- before it tainted the water supply of 300,000 West Virginians.

Why? What's wrong with the state's public protection systems? Are laws inadequate to deal with industrial dangers? Is enforcement slipshod?

Charleston reformer lawyer Jim Lees wrote Wednesday:

"For the past decade, I have watched politician after politician in West Virginia bow down to industry-led efforts for less regulation and less oversight -- Jay Rockefeller being the exception."

Lees said West Virginians deserve safe drinking water, just like all other Americans. And it's up to state leaders to impose controls to guarantee it. Amen.

Time after time, the U.S. Chemical Safety Board urged West Virginia to adopt an "audit" system in which teams of independent health and safety experts examine plants and facilities to spot threats. But the proposal was ignored. Why?

Rep. Shelley Capito, R-W.Va., said Tuesday she supports the audit plan. Other West Virginians in Congress are working on federal safeguards. Sen. Joe Manchin wants U.S. regulators to rate the health danger of 84,000 less-known chemicals. "My God," he said, "you've got thousands and thousands of products that have come online that are totally, you know, unevaluated."

Gov. Tomblin says he's working with Department of Environmental Protection Secretary Randy Huffman to draft new safety plans. It's too bad that it took a public crisis to prod officialdom into action -- but we're glad it's finally happening. Protecting West Virginians from this sort of menace should be the top priority of the 2014 Legislature.

The New Republic published a blunt report saying Elk River supplies a wide section of West Virginia because mining has "contaminated local water sources throughout the state's southern and central regions, driving more and more West Virginians to board up their wells and lay pipe to the Elk River." Ironically, it was a mining chemical that caused the Elk crisis.

In 2009, four citizen groups complained to federal agencies about "the state's capitulation to the industries it is obligated to regulate under the Clean Water Act." Their complaint also was ignored.

All these topics should be examined by legislators.

The 2014 water mess inflicted severe disruption on eight counties, forcing closure of restaurants and some businesses, wasting government money, leaving school pupils stranded in limbo. How many children couldn't get school breakfasts and lunches they needed? How many parents couldn't go to work because their kids were out of school?

This huge headache is a wake-up call for the Legislature to make major reforms in safeguards to protect West Virginians.

State Impact Pennsylvania

Municipalities defend Pa. Supreme Court ruling on Act 13

January 16, 2014 | 2:03 PM

By Katie Colaneri

A group of municipalities that challenged the state's oil and gas law, Act 13, are asking the Supreme Court to deny a request by the Corbett administration to reconsider its ruling.

In a response filed Thursday, the municipalities say the court determined that the section of Act 13 allowing the state to preempt local zoning rules was unconstitutional “on its face,” or “based on the plain language of the Pennsylvania Constitution” and not on facts.

The court found in its Dec. 19 ruling that the provision violated the state's Environmental Rights Amendment which guarantees clean air, pure water and environmental protection for all generations of Pennsylvanians.

On Jan. 2, the Corbett administration asked the Supreme Court to reconsider, arguing the court made a “series of sweeping factual conclusions” about Act 13's constitutionality.

In an interview with Radio Pennsylvania's Ask the Governor earlier this week, Corbett said an appellate court like the state Supreme Court is not allowed to establish facts.

“I think the Chief Justice in his opinion was absolutely wrong to do that,” Corbett said. “He should have asked for more facts. He should have asked the court below to make more determination.”

“I think it's a terrible decision. And if the Chief Justice were right here, I'd tell him that right now.”

Attorneys for the administration want the Supreme Court to allow them to reargue the case based on facts before the Commonwealth Court, as the lower court considers whether the rest of Act 13 will stand without the provisions that were struck down.

Among the facts the administration disputes is the court's assertion that Marcellus Shale development “will produce a detrimental effect on the environment... perhaps rivaling the environmental effects of coal extraction.”

In their filing, the municipalities say neither appellate court “required factual findings to

conclude that statutory language allowing heavy industrial activity next to homes, schools and sensitive natural resources without consideration of local conditions” violated the state constitution.

Chief Justice Ron Castille, who wrote the plurality opinion, will consider the filings of both sides and make a recommendation. Then, the justices will vote on whether or not to reconsider the ruling.

You can read their response here:

State Impact Pennsylvania

DEP always granted Marcellus drillers' requests to avoid Act 13's stream buffers

January 16, 2014 | 9:36 PM

By Marie Cusick

The state Department of Environmental Protection (DEP) says it has never denied a request by a Marcellus shale driller to circumvent the stream setback requirements in Act 13.

Parts of the 2012 oil and gas law were struck down by the state Supreme Court last month, including the stream and wetland setback requirements.

The court held that since it was so easy for companies to bypass the setback rules, the law violated the environmental rights of Pennsylvanians. At issue was the fact that Act 13 allowed the DEP to waive the setbacks, as long as a company submitted a plan showing it would take adequate measures to protect waterways.

DEP's Deputy Secretary for Oil and Gas Management, Scott Perry, says although the department has never denied a waiver request from a Marcellus driller, it has worked cooperatively with companies to protect waterways.

“We’ve been able to modify where well sites were able to go,” he tells StateImpact Pennsylvania. “We’ve been able to strengthen erosion and sediment control plans and other pollution and prevention control plans.”

Perry believes Act 13 gave the DEP the ability to enforce the setbacks and did not require the department to automatically approve waiver requests from drillers.

“We’ve always interpreted that law to give us the authority to deny [waiver requests], when appropriate,” he says.

The setbacks, which were struck down by the court, required unconventional gas wells to be at least 300 feet from streams and wetlands, with the edge of the well site at least 100 feet away:

According to the DEP, the number of companies seeking to avoid the setbacks was relatively small. Last year, 74 unconventional gas well sites received DEP waivers. Those sites contained 147 individual gas wells— a small fraction of the roughly 3,000 well permits issued by the department in 2013.

CNN

How safe is West Virginia tap water, if pregnant women shouldn't drink it?

By Catherine E. Shoichet, Jean Casarez and Ashley Fantz, CNN

updated 11:00 PM EST, Thu January 16, 2014

Days after they told some West Virginia residents they shouldn't worry about drinking tap water contaminated with a chemical used to clean coal, local health officials issued a new advisory this week.

Pregnant women, they suggested, might want to stick to drinking bottled water.

In new guidance issued Wednesday night, West Virginia health officials advised pregnant women to wait to drink tap water until there are no detectable levels of the chemical in it.

So how safe can the tap water be, if pregnant women shouldn't drink it?

Probe launched in W. Va. water disaster

CNN test finds chemical in "clean" water

"That's a good question," said Dr. Rahul Gupta, director of the Kanawha-

Charleston Health Department. "There's a lot of unknowns about this potential chemical that have the chance to do some harm to humans."

The Centers for Disease Control and Prevention have said as long as the chemical is diluted enough, the water should be safe to drink.

But other experts say they aren't so sure, because studies about the chemical -- 4-methylcyclohexane methanol -- are sparse, and investigators are still looking into them.

"Due to limited availability of data, and out of an abundance of caution, you may wish to consider an alternative drinking water source for pregnant women until the chemical is at non-detectable levels in the water distribution system," CDC director Dr. Thomas Frieden said in a letter to West Virginia health officials advising them on the situation.

It's not uncommon for officials to issue different guidance for pregnant women, who are considered to be more vulnerable to illness than the general population. One reason why: even when chemicals have been studied, research into the impact on pregnant women is less common.

But some have expressed concern that ever since the spill started, guidance to the public about the contaminated water has been murky.

Expert: 'We don't know enough'

Residents first got word of the situation on January 9, when authorities warned hundreds of thousands of people living in nine West Virginia counties not to use tap water or do anything except flush their toilets with it.

More than 7,000 gallons of the chemical, known as MCHM, has leaked from a storage tank into the Elk River -- a key water supply source.

A strong licorice odor was the telltale sign that the chemical was present, and officials warned that they couldn't say the water was safe.

Over the weekend, state health officials said they'd gotten guidance from the CDC. And starting Monday, they began giving the go-ahead to people in certain areas to start using tap water again.

Asked about the chemical, the CDC issued guidance to state authorities in West Virginia suggesting the water would be safe to drink if samples met the safety standard of 1 part per million -- meaning that there is no more than 1 milligram of the chemical in 1 liter of water.

Does that mean it's safe?

"Based on the water sampling data that we have seen, we think that allowing the water to be used for drinking and cooking and all the other things is perfectly appropriate," said Dr. Vikas Kapil, chief medical officer for the CDC's National Center for Environmental Health.

The 1 part per million guideline, he told reporters Thursday, "is a level not likely to be associated with adverse health effects."

But during situations like this, he admitted, there are often questions investigators can't answer -- at least not at first.

Scott Simonton, vice chairman of the West Virginia Environmental Quality Board, said he isn't so sure the water is safe.

"I don't think that just because it's below that number, it's magically safe," said Simonton, a professor of environmental science at Marshall University. "We don't know enough about the toxicity of this particular chemical to know what its long-term effects are and what the maximum contaminant level really should be."

Officials had to come up with guidelines quickly when the spill happened, he said. Normally, establishing a standard would be a lengthier process.

"Right now, it's an acceptable standard," he said. "I don't think anybody can genuinely call it a safe standard."

Gupta, the director of the local health department, said hospital visits in the area spiked mid-week as more people started using their tap water.

"People come to us and report that right after they've taken a shower, they've had this rash," he said. "We've had people walk in here with scary-looking rashes."

Angry mother

Charleston mother Jacqueline Bevan told CNN Thursday she's not going to let her 7-year-old drink the water even though she's been told by officials that it's safe.

"If a pregnant woman can't drink this... no, we're not feeling safe here in West Virginia," she said, adding that the caution about pregnant women feels like "more disturbing news."

It "most upsets us" that "we're not given any details about this chemical," she said. The public hasn't been given much information about 4-methylcyclohexane methanol. She and others want to know about the chemical's long-term effects.

The chemical is used to wash coal before it goes to market to reduce ash. Exposure to it can cause vomiting, dizziness, headaches, diarrhea and irritated skin, among other symptoms, the American Association of Poison Control Centers and CNN's previous reporting shows.

READ: What is 4-methylcyclohexane methanol

Saying that there's little research on the chemical is not good enough for Bevan and other residents, she said.

"This story is going to go away," she said, but health concerns among West Virginians will linger for a long time.

Independent testing and what the state says

On Wednesday, independent testing of water supplies from a hotel and a home in southwest West Virginia showed the presence of 4-methylcyclohexane methanol, but both samples tested at levels believed to be acceptable for consumption.

CNN commissioned the testing of the samples by TestAmerica, a private company.

According to the TestAmerica study, samples taken Tuesday showed the presence of 4-methylcyclohexane methanol well below the 1 part per million considered safe to drink. Water in the private residence tested at 0.27 parts per million, or about a fourth of the limit, while water at the hotel tested at .011 parts per million, roughly a hundredth of the limit, according to the testing firm.

More than two thirds of the 300,000 West Virginians who hadn't been able to turn on their faucets since last week now have access to safe water again, the state said

Thursday.

West Virginia American Water said that about 71,000 customers -- or 213,000 people -- have had their "do not use" water order lifted.

Charleston Gazette

Federal lawsuit claims company hid chemical's cancer-causing effects

By Kate White

CHARLESTON, W.Va. -- A federal lawsuit against the company that makes the chemical that leaked into the Elk River and left thousands of West Virginians without water for more than a week claims the company hid evidence that the chemical causes cancer.

The lawsuit filed against Eastman Chemical Company, which makes 4-methylcyclohexane methanol, known as "Crude MCHM," claims the company ignored studies that prove the dangers of the chemical.

An Eastman spokeswoman says that's not true and studies generated by the company prove the chemical doesn't cause cancer.

The lawsuit was filed this week on behalf of businesses shut down for days with no water and by residents who claim they were exposed to the water. Plaintiffs are also suing West Virginia American Water, Freedom Industries and its director of operations, Gary Southern.

As of Thursday, more than 20 lawsuits had been filed in Kanawha Circuit Court on behalf of businesses and West Virginia American Water customers. The federal lawsuit is the only suit that names Eastman, however.

Crude MCHM, a chemical used in the coal preparation process, was spilled by Freedom Industries, a chemical distributor on Barlow Drive just upriver from the water company's intake on Jan. 9.

Material safety data sheets provided by Eastman, based in Kingsport, Tenn., ignore "extensive scientific information known showing the risks of the chemical's carcinogenic and highly toxic component parts," the lawsuit states.

"4-MCHM is a combination of two very dangerous chemicals known to cause cancer and other

effects, but the MSDS sheets issued by the manufacturer, Eastman Chemical Company, ignore and hide the extensive scientific information known showing the risks of the chemical's carcinogenic and highly toxic component parts," the lawsuit states.

Exposure to "Crude MCHM" has created the need for a medical monitoring program, according to the lawsuit.

Maranda Demuth, spokeswoman for Eastman, said Thursday the lawsuit had no merit and that the company isn't aware of any studies showing the chemical is carcinogenic. Demuth wouldn't provide copies of any of the company's studies or data about the potential impacts of MCHM to the Gazette during the day Thursday, but the company released them late Thursday night.

"Eastman goes to great lengths to ensure our commercial products and facilities meet or exceed regulatory standards. The EPA reviewed and approved the product for its intended use. Since the product is intended for industrial use, the EPA did not require additional testing," Demuth said in a statement.

The lawsuit also claims the water company should have recognized the risk of having the chemical company nearby.

West Virginia American Water spokeswoman Laura Jordan said the water company is focused on restoring water to its customers and wouldn't comment on pending litigation.

Neither Southern nor a representative of Freedom Industries could immediately be reached for comment. Company officials have not commented beyond a press conference by Southern the day after the leak was reported.

The federal lawsuit, which is assigned to U.S. District Judge John Copenhaver, asks for class-action status.

It was filed by Vantap LLC, which operates Vandalia Grill; Georgia Hamra, who says she had to relocate to a hotel outside of the area after the chemical leak; Crystal Goode, a Charleston resident and mother of three minor children exposed to the contaminated water; John Sarver, who operates Mousie's Car Wash; Colours Salon and Boutique LLC; and Delegate Michael Manypenny, D-Taylor, who is not a West Virginia American Water customer, but claims he was exposed to the contaminated water.

Baltimore Sun

Miller, Busch vow no repeal of storm-water fees

by Pamela Wood

The leaders of the Senate and House of Delegates predicted Thursday morning that lawmakers won't be repealing the stormwater fees in the state's largest jurisdictions this year.

At a breakfast hosted by the Annapolis and Anne Arundel County Chamber of Commerce, Senate President Thomas V. Mike Miller Jr. responded to a question about whether the fees would be repealed by saying flatly: "We're not going to repeal the stormwater fee."

House Speaker Michael E. Busch then quickly piped up: "Second!"

State lawmakers passed a bill two years ago requiring Baltimore City and nine counties to create a fee to raise money for stormwater pollution control projects. The bill left the details up to the counties to decide. Miller has previously voiced concern about the variations in fees charged by the 10 localities and their impact on churches and nonprofit groups.

The stormwater fee has been derided as a "rain tax" that's unnecessary and burdensome on homeowners and businesses. The General Assembly is expected to consider a number of bills to modify or repeal the stormwater fee, and it's one of the top priorities of the Republican Party in Annapolis this year. Miller has previously voiced concern about the inconsistency in fees among the localities and the burden they place on churches and nonprofit organizations.

Environmentalists support the fee as a way to pay for stormwater projects that are needed to improve the health of the Chesapeake Bay. The 10 jurisdictions required to have stormwater fees hold federal permits that require them to manage their polluted runoff.

Two candidates for Anne Arundel County executive -- current executive Laura Neuman and Del. Steve Schuh -- traded barbs over the county's stormwater fees at the chamber's breakfast.

Neuman vetoed the first set of fees approved by the county council. After the council overrode her veto, she allowed a revised plan to become law without her signature.

Neuman said she doesn't believe a new tax needs to be created every time something needs to be fixed. She said the federal government should take more of a lead in cleaning up the Chesapeake Bay, rather than pushing requirements for pollution control to local governments.

She noted that Schuh -- her opponent in the Republican primary for county executive -- voted for the state stormwater fee bill two years ago.

Schuh acknowledged his vote but said that Anne Arundel "overreacted" and established a set of fees that are too burdensome. He has introduced legislation in the House seeking to have Anne Arundel exempted from the fee.

Schuh suggested the county should cut its property tax to make up for the new stormwater fees. Neuman countered that cutting the property tax to offset the stormwater fees would be ceding more control over county spending to the state government, which she opposes.

Anne Arundel is phasing in a fee that ranges from \$34 to \$170 per year for residential homeowners. Commercial properties pay based on the amount of impervious surface is on their land.

County Councilman Jamie Benoit, a Democrat, defended the vote to establish the stormwater fees as "a wise and courageous decision." Benoit pointed out that Anne Arundel has hundreds of miles of shoreline.

"We have the highest obligation to be the leader when it comes to protecting the Chesapeake Bay," he said.

Washington Post

Blog: On Leadership: On running the EPA

By Tom Fox, Updated: January 16 at 9:52 am

Robert Perciasepe is the deputy administrator of the Environmental Protection Agency (EPA) and for a time served as acting administrator. Prior to joining the Obama administration, he was chief operating officer of the National Audubon Society, held environmental posts in the Clinton administration and served as Maryland's secretary of the environment. He speaks here about managing the EPA with Tom Fox, a guest writer for On Leadership and vice president for leadership and innovation at the nonprofit Partnership for Public Service. Fox also heads up their Center for Government Leadership.

Q. What is your leadership style?

A. I have a great sense of humor, and I use my sense of humor to put people at ease. In government, particularly, you have to be open and hear what people have to say. And you have to make sure people feel comfortable going through the pros and cons of whatever policies you're working on. My leadership style is to bring out the best in people, and that's what I think about when I sit down at a meeting—how am I going to make everyone feel comfortable and talk about what we really need to talk about?

Q. What advice do you have for leaders coming into the federal government from the private sector?

A. My advice is that you are a steward of public funds and you are charged with that responsibility in addition to the substance of what your agency is doing. You have to expect that there's going to be more checks and balances. This frustrates some people, but it's an added responsibility that you have in public service management that some people aren't quite as

prepared for.

Q. What type of culture are Administrator Gina McCarthy and you trying to foster within the EPA?

A. We want to build up the career leadership and the career employees. We recently had our Senior Executive Service and other senior managers together to rally around the priorities that we see for the agency in the coming term. It was the first time we had gotten all those people together in quite a while, and it was an uplifting experience. We spent a significant amount of time during that two-day conference talking about empowering our employees, providing venues for them to be more engaged with the work and finding ways to work around the financial constraints.

Q. What are some of those priorities for the coming year?

A. One is to improve our relationships with the states and to create a new era of cooperation. The environmental programs in the United States are implemented in a partnership between the states and the agency, and that relationship has been strained because their budgets have been cut, our budgets have been stagnant and now are being cut, and we're all scrambling to try to figure out how we readjust.

We also want to make sure the work we're doing is visible in the communities, so that when you live in a town in Iowa, Colorado or Maine, you can understand what it is that EPA's programs are doing—whether it's making sure all the cars in your community are clean, cleaning up a brownfield site or making sure the water systems are safe.

Q. What are your top management priorities?

A. We want to make EPA a high-performing organization. This gets at many of the issues that percolated in the Federal Employee Viewpoint Survey, not just this year, but in previous years. Resources have been constrained for employee training, for travel to do inspections or go to meetings, and for rewards for good work. We need to find resources to support the workforce. We also want to help pull people together. We call it working as one EPA. Whether you're in the air program or in the regional office in Boston or in California, we want people to be thinking that they're part of that larger whole and that everybody can rely on each other. So we're really trying to build a stronger sense of camaraderie and look at how our internal business processes work.

Q. Do you have specific plans in this regard?

A. We have a program that we're piloting called Skills Marketplace. We have 15,000 employees and they all have tons of skills. Some of them might be working for the organization in one part of the country, but if another part of the agency has a real demand for a project for a couple of months or weeks, we want to be able to have a system in place where skills can be marketed around. It allows entrepreneurial managers to solve a problem, and it allows our employees to have experiences in different parts of the organization. For younger folks, having that experience

in a different program really is going to enhance their overall feeling about the agency.

Wall Street Journal

Blog: McConnell Launches Pre-Emptive Strike on EPA

By **Alicia Mundy**

Senate Minority Leader **Mitch McConnell** of Kentucky mounted a pre-emptive assault Thursday on the **Environmental Protection Agency**, attempting to block planned federal greenhouse gas emissions limits on new coal-fired power plants.

Mr. McConnell —and 40 other Republican senators including fellow Kentuckian **Rand Paul**—filed a resolution of “disapproval” against the agency’s proposed rules, which were formally offered last week in the Federal Register.

The regulations would encourage the use of carbon-capture technology to minimize emissions, which the industry says would effectively prevent the building of new coal-fired plants.

“Kentucky is facing a real crisis here,” McConnell said from the Senate floor. “The Obama administration appears to be sending signals that its latest regulation is just the beginning in a new, expanded front in its war on coal.”

The longtime Kentucky Republican has been sparring with the White House and President Barack Obama’s administration over coal industry environmental regulations for several years, during which time the coal industry in Appalachia has been shrinking and its jobs disappearing.

“Already, the administration’s regulations have played a significant role in causing coal jobs in my state to plummet,” said Mr. McConnell. “These are good jobs that pay more than \$1 billion in annual wages to my constituents. And for every miner with a job, three more Kentuckians will hold a coal-dependent job too,” he added.

The Sierra Club denounced the GOP resolution.

“McConnell is attacking [the rules] before the Environmental Protection Agency has even determined what they will be. McConnell’s political maneuver is like asking for instant replay before the football is even snapped,” said Melinda Pierce, **Sierra Club Deputy Legislative Director**, in a statement.

The EPA is unlikely to finish the coal-plant rulemaking for months; it has just begun a 60-day comment period.

But Mr. McConnell can't afford to dally. He is running for re-election, and has been under fire both from the likely Democratic contender, **Alison Lundergan Grimes**, and from a tea party candidate, **Matt Bevin**, who may challenge Mr. McConnell in a GOP primary this year. Mr. Bevin has support from well-funded conservative groups, including the Senate Conservatives Fund.

Last month Mr. Bevin's campaign accused Mr. McConnell of neglecting Kentucky's embattled coal companies and their employees, saying Mr. McConnell had a record of "failure" in coal country. It said that Kentucky's coal jobs had decreased 22 % from the end of 2011 to the end of 2012.

Much of the employment decline is linked to energy market forces, the aging coal-industry infrastructure, and the boom in the U.S. production of natural gas.

Mr. McConnell's campaign has dismissed Mr. Bevin's complaint, pointing to efforts by Mr. McConnell to protect the mining industry.

The industry allies on Capitol Hill filed the disapproval resolution under a provision called the Congressional Review Act, which gives lawmakers a chance to try eliminate onerous regulations imposed by the executive branch. A press release from Mr. McConnell's office said the disapproval resolution will "ensure a vote" to stop the rule—though such actions don't have a great track record.

Wilmington News Journal

EPA tries to map a toxic legacy on and under Metachem site

By **Jeff Montgomery**

Snow flurries rode a faint chemical breeze across Red Lion Creek marsh near Delaware City on Thursday as Environmental Protection Agency contractors maneuvered a sediment probe across cold muck and crackling reeds.

The labor, science and mothball-like aromas were legacies of the Standard Chlorine/Metachem debacle, a 2002 chemical plant bankruptcy that followed years of spills, loose regulation and illegal operations that left state and federal taxpayers with a cleanup bill last estimated at \$100 million.

It is a number that could push higher, even after a dozen years of government control and study, as efforts to locate and measure contamination and nail down new cleanup and containment strategies for soil and groundwater continue. A separate agency, the U.S. Geological Survey, is assisting, while also mapping threats to a deep aquifer, the Potomac, used for public utility

drinking water wells to the north and south.

“It’s a highly complex site. I think all Superfund sites are, but this, given the nature of the contamination we have and the volume of contamination, has been complex from Day One,” said Brad White, the EPA’s remedial project manager.

David Carter, conservation chairman for Delaware Audubon Society, said the costly exercise proved the value of Delaware’s ban on new heavy industry in the Coastal Zone, and the public stakes in discussions about stretching or amending the conservation law for jobs and economic development.

“The brutal reality is that we do not currently have the technology, knowledge, and/or financial resources to adequately clean up this toxic industrial site,” Carter said. “Under such circumstances, the proposed cures may come at risk of being worse than the damage done.”

White said Thursday that the EPA is wrapping up weeks of sediment sampling, at 80 different spots near the creek, to help scientists figure out what, if any, method to use for decontaminating about 30 acres of wetlands and adjacent areas where chlorinated benzenes spilled into the landscape.

Wilmington News Journal

Soot monitoring device removed at PBF refinery

By Jeff Montgomery

A citizen-led, state-subsidized air quality monitoring project focused on the Delaware City Refinery abruptly broke down Thursday after a refinery call for the unscheduled removal of a state-owned testing device.

Department of Natural Resources and Environmental Control officials declined comment on the episode beyond describing it as an “active investigation.”

But Stephanie Herron, volunteer and outreach coordinator for the Sierra Club Delaware chapter, said the refinery was behind the removal of the equipment, which had been fitted with a filter to measure soot levels over a 24-hour period.

“DNREC police called our project coordinator and told them that they have the monitor because the refinery contacted them and told them to come take it down,” Herron said, adding that they had been told that a trespass complaint was a possibility.

“They said they’re not going to return the monitor, which is especially strange because DNREC

owns it in the first place.”

Michael C. Karlovich, a spokesman for PBF Energy, the refinery’s owner, said the episode was a “routine activity. It’s part of securing our property.”

“Our security guard questioned a local activist who was hanging a box with unknown contents on a utility pole on our property.

We notified DNREC and they responded. We understand that DNREC officers removed the device.

We have not been contacted by any authorities regarding charges,” he said. Karlovich declined to say if the refinery would have allowed the sampling to go forward had the organization requested access in advance, saying it was “speculative.”

Sierra Club and a coalition of Delaware City residents have received small state grants, as well as training assistance from California-based Global Community Monitor, for citizen-managed air sampling work.

The project includes use of one-time air “grab” containers first deployed extensively in disadvantaged community campaigns near Gulf Coast refineries and chemical plants.

Some past citizen findings have gotten chilly responses from DNREC and the refinery. In 2012, state officials said that results attributed to the refinery might have been skewed by emissions from the refinery’s nearby offloading dock, or by traffic or household activities.